IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 16526 of 2004

Between:

S.K.Yakub, s/o.Madar Saheb,
Repallewada Village, Chintakani Mandal, Khammam District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, R.D.O.Office,

Khammam, Khammam District.
2 The Joint Collector and Addl.Dist.Magistrate, o/o Joint Collector,
Khammam, Khammam District.
3 The District Collector, Collectorate Office,
Khammam, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus directing the act of the 1st respondent in inviting the applications for authorization of Fair Price Shop for the petitioner Village i.e., Repallawada Village, Chintakani Mandal, Khammam District while the Revision filed by the petitioner is pending with the 3rd respondent is illegal, arbitrary, unconstitutional and against the principals of natural justice.

Counsel for the Petitioner: MR.S.SYAMSUNDER RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following:

HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.16526 OF 2004

ORDER:

Petitioner is an authorized Fair Price Shop dealer of Repallewada village, Chintakani Mandal, Khammam District. His authorization was cancelled by the Revenue Divisional Officer, Khammam by an order dated 27-10-2003, after conducting due enquiry. Against the said order, the petitioner preferred an appeal before the Joint Collector, Khammam, which was dismissed on 23-07-2004. Aggrieved by the same, the petitioner preferred a revision before the District Collector, which is still pending.

2. Now the grievance of the petitioner is that while the statutory revision is pending before the District Collector, the first respondent is making attempts to notify the vacancy in respect of the Fair Price Shop in question. Hence, this writ petition.

3. I have heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

4. Since the statutory revision preferred by the petitioner is still pending before the third respondent, I am of the view that the first respondent is not justified in taking steps to notify the vacancy in respect of the shop in question.

5. Accordingly, the writ petition is disposed of with a direction to the first respondent not to make any appointment in respect of the Fair Price Shop of Repallewada village of Chintakani Mandal, till the disposal of the revision petition before the District Collector, Khammam.

6. With the above observations, the Writ Petition is disposed of. No costs.

MS.G.ROHINI, J

15th September, 2004

SKM

Note:

Furnish C.C.

within two days.

B/o.

skm

To

1 The Revenue Divisional Officer, R.D.O.Office,

Khammam, Khammam District.

2 The Joint Collector and Addl.Dist.Magistrate, o/o Joint Collector,
Khammam, Khammam District.

3 The District Collector, Collectorate Office,
Khammam, Khammam District.

4 Two C.Cs. to G.P. for Civil Supplies,

High Court Buildings,

High Court of A.P., Hyderabad, (OUT)

5 Two C.D. Copies.